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May 12, 2014

MEMO ENDORSED

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The Honorable Richard M. Berman
United States District Judge
500 Pearl St.
New York, N.Y. 10007

Re: *United States v. Siddiqui*
08-CR-826 (RMB)

Dear Judge Berman:

This letter is respectfully submitted to clarify a matter not clearly set forth in defendant's motion for leave to file certain documents under seal and *ex parte* and to file a redacted §2255 motion.

My motion did not make clear that the deadline for filing the §2255 motion is tomorrow May 13, 2014 which is one year from the day that the United States Supreme Court denied Dr. Siddiqui's petition for a writ of certiorari. The body of the petition and memorandum of law refer to and quote from certain proceedings that were conducted under seal and/or *ex parte*. In addition, among exhibits filed with the §2255 motion are documents subject to a protective order. The *ex parte* materials consist of portions of the conference held November 3, 2009 about defense counsel (T. 11/3/09, p. 9-70) and a sealed conference mid-trial concerning Dr. Siddiqui's decision about whether to testify (T. 1/28/10, 1578-1604).

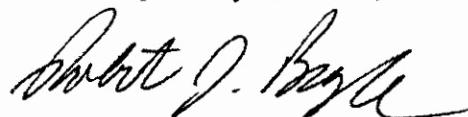
Accordingly, it is requested that Dr. Siddiqui be permitted to file the §2255 petition and memorandum of law with appropriate redactions of only those matters that have previously been ordered sealed and/or *ex parte*. An unredacted motion and memorandum of law would be filed under seal and *ex parte*. In addition, we request that documents subject to the existing protective order also be filed under seal. These consist of the transcripts of telephone conversations between Dr. Siddiqui and others while she was incarcerated pre-trial. They were produced by the government and subject to protective order. Quotations from those materials would also be redacted from the body of the motion and memorandum of law.

As stated in my declaration, the issues raised in the §2255 may make it appropriate to disclose the *ex parte* matters to the government and make all the materials public. That could be

addressed at the May 19 conference set by Your Honor. However, as the statute of limitations for the §2255 expires May 13, Dr. Siddiqui respectfully requests that she be permitted to file a redacted petition and memorandum of law by tomorrow.

Thank you for your kind attention to this matter.

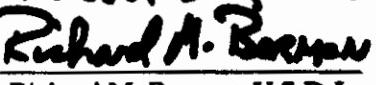
Respectfully submitted,



ROBERT J. BOYLE
Attorney for Defendant

RJB:bms

cc: AUSA Dabbs (via ECF)

It's awkward (at best) to have a filing which is the subject of a motion not yet briefed much less decided but we'll do that so that there is no prejudice to Dr. Siddiqui. Counsel may file his petition by tomorrow but does so without prejudice to the court's arguments.
SO ORDERED.
Date: 5/12/14 
Richard M. Berman, U.S.D.J.